



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,522	09/08/2000	Robby Darren Benedyk	1322/53	3362

25297 7590 02/27/2004

JENKINS & WILSON, PA  
3100 TOWER BLVD  
SUITE 1400  
DURHAM, NC 27707

EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

DATE MAILED: 02/27/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/658,522

Applicant(s)

BENEDYK ET AL.

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9 and 10</u> | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Response to Amendment***

1. This action is responsive to an amendment filed 11/14/03. Claims 22-39 are pending. Claims 1-21 have been cancelled.

***Response to Arguments***

2. Applicant's arguments with respect to claims 22-39 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22 and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 22, the claimed limitation 'selecting a media gateway through which a call associated with the call signaling message will be routed' is not disclosed in the specification.

Regarding claim 34, the claimed limitation 'the link interface module and the first and second call server modules each comprising printed circuit boards' is not disclosed in the specification.

Art Unit: 2645

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 22-27 and 29-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al. (U.S. Patent No. 6,205,557) and in view of Denman et al. (U.S. Patent No. 6,205,557).

Regarding claim 22, Chong teaches an interface server for receiving signaling messages and for identifying signaling messages as requiring processing by a call server and for selecting a call server for processing the signaling message (fig.3; col.6, lines 11-44; 'interface server' reads on the claim 'link interface module', 'signaling messages' reads on the claim 'SS7 call signaling messages' and 'messages' reads on the claim 'at least one parameter in the SS7 messages').

Chong further teaches an active call server for receiving the signaling messages from the interface server and for functioning as a primary call server (fig.3; col.6, lines 11-44; 'active call server' reads on the claim 'first call server module', 'signaling message' reads on the claim 'SS7 call signaling message' and 'interface server' reads on the claim 'LIM').

However, Chong fails to teach "selecting a media gateway through which a call associated with the call signaling message will be routed and for performing media gateway call management functions for establishing the call in the media gateway". Denman teaches selecting a media gateway through which a call associated with the call signaling message will be routed

Art Unit: 2645

and for performing media gateway call management functions for establishing the call in the media gateway (abstract; col.7, lines 38-42, col.15, lines 23-35). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chong to allow selecting a media gateway through which a call associated with the call signaling message will be routed and for performing media gateway call management functions for establishing the call in the media gateway in order to function as a media gateway controller to route the call.

Chong further teaches a standby call server for storing the call information (i.e., connection status and call state information regarding calls in progress through the media gateway) and functioning as a backup call server for the call, wherein standby call server is adapted to switch operation to become the primary call server for the call in response to failure of the active call server (abstract; fig.3; col.1, lines 36-53, col.6, lines 11-44; 'standby call server' reads on the claim 'second call server module' and 'active call server' reads on the claim 'first call server module').

Regarding claim 23, Chong teaches the switching from backup to active call server occurs in less than one second (abstract; fig.3, fig.5; col.4, lines 10-65; 'active call server' reads on the claim 'primary call server module').

Regarding claims 24, Chong teaches that the switching occurs without transfer of the call information from the active call server to the standby call server (abstract; fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65; 'call information' reads on the claim 'call state information', 'active call server' reads on the claim 'first call server module' and 'standby call server' reads on the claim 'second call server module').

Art Unit: 2645

Regarding claim 25, Chong teaches that the call information includes at least one transaction register for storing call-related information (abstract; fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65; 'call information' reads on the claim 'state information' and 'transaction register' reads on the claim 'call table').

Regarding claim 26, Chong teaches that at least one transaction register includes specific routing information for the call and a transaction identification (col.3, lines 56-67; 'transaction register' reads on the claim 'call table' and 'specific routing information for the call and a transaction identification' reads on the claim 'an endpoint table for storing endpoint information for a media gateway').

Regarding claim 27, Chong teaches that at least one transaction register inherently includes a connection table for storing connection information for connections in the media gateway (col.3, lines 56-67, col.4, lines 1-3; and 'transaction register' reads on the claim 'call table').

Regarding claim 29 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Chong teaches storing call information for a first call on active and standby call server connected to each other via a high speed interface (fig.3; col.3, lines 56-67, col.4, lines 1-65; 'call information' reads on the claim 'Call State information', 'active and standby call server' reads on the claim 'first and second call server modules' and 'high speed interface' reads on the claim 'interprocessor message transport bus').

Chong further teaches operating the active call server in active mode and operating the standby call server in a backup mode (abstract; fig.3; col.1, lines 36-53, col.6, lines 11-44; 'active call server in active mode' reads on the claim 'first call server module in a primary call

Art Unit: 2645

server mode' and 'standby call server' reads on the claim 'second call server module in a backup call server mode').

Chong further teaches replicating call information (i.e., media gateway call state and connection status information) to the standby call server (i.e., second call server module) (abstract; fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65).

Chong further teaches detecting failure of the active call server (abstract; fig.3; col.1, lines 36-53, col.6, lines 11-44; 'active call server' reads on the claim 'first call server module').

Chong further teaches that in response to failure of the active call server, switching the standby call server to the active mode (abstract; fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65; 'active call server' reads on the claim 'first call server module', 'standby call server' reads on the claim 'second call server module', 'active mode' reads on the claim 'primary call server mode' and 'call information' reads on the claim 'call state information').

Regarding claims 30, Chong teaches that storing call information includes storing signaling messages and responses to complete call connection (fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65; 'call information' reads on the claim 'call state information' and 'signaling messages and responses to complete call connection' reads on the claim 'parameters extracted from a sequence of ISUP messages required to set up or tear down the first call').

Regarding claims 31, Chong teaches that the active mode includes call handling instructions to complete establishing the call (fig.5; col.5, lines 20-32; 'active mode' reads on the claim 'primary call server mode', 'call handling instructions' reads on the claim 'formulating instructions' and 'to complete establishing the call' reads on the claim 'for setting up or tearing

Art Unit: 2645

down the first call and forwarding the instructions to a transporter module for translation and transport to a media gateway’).

Regarding claims 32, Chong teaches that the backup mode includes storing the call information (i.e., media gateway call state and connection status information) without forwarding signaling messages (abstract; fig.3, fig.5; col.3, lines 56-67, col.4, lines 1-65; ‘call information’ reads on the claim ‘call state information’ and ‘signaling messages’ reads on the claim ‘call processing messages to intended destinations’).

Regarding claim 33, Chong teaches that the switching operation of the standby call server to the active mode includes switching the operation within a fraction of one second (abstract; fig.3, fig.5; col.4, lines 10-65, col.5, lines 20-32; ‘standby call server’ reads on the claim ‘second call server module’ and ‘active mode’ reads on the claim ‘primary mode’).

Regarding claim 34, Chong teaches that the interface server (i.e., link interface module) and the active and standby call server (i.e., first and second call server modules) each comprising inherently printed circuit boards having an query processor (i.e., application processor) and an interface (i.e., communication processor) mounted thereon, the printed circuit boards being connected to a high speed interface (i.e., common bus) and communicating with each other via the interface, thereby allowing subsecond switchover between the active and standby call server (fig.3, fig.4; col.3, lines 56-67, col.4, lines 1-65).

Regarding claim 35, Chong fails to teach “a transporter module operatively associated with the primary call server for generating a media gateway control command and forwarding media gateway control command to the media gateway for setting up in the call in the media gateway”. Denman teaches a wireless mobility server (WMS) (i.e., transporter module)



Art Unit: 2645

operatively associated with the primary call server for generating a media gateway control command and forwarding media gateway control command to the media gateway for setting up in the call in the media gateway (abstract; col.7, lines 38-56, col.15, lines 23-35). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chong to allow a transporter module operatively associated with the primary call server for generating a media gateway control command and forwarding media gateway control command to the media gateway for setting up in the call in the media gateway in order to present MSC-related, SS7 call control signaling.

Regarding claims 36 and 39 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 37 is rejected for the same reasons as discussed above with respect to claim 29.

Regarding claim 38 is rejected for the same reasons as discussed above with respect to claim 35.

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al. (U.S. Patent No. 6,205,557) and in view of Denman et al. (U.S. Patent No. 6,205,557) and further in view of Haruta (U.S. Pub. No. 2002/0057782).

Regarding claim 28, Chong teaches that the call information includes at least one transaction register for storing call signaling message (col.3, lines 56-67, col.4, lines 1-65; 'transaction register' reads on the claim 'call table' and 'call signaling message' reads on the claim 'call signaling state information for endpoints in the media gateway'). However, Chong in view of Denman fails to teach "state table". Haruta teaches state table (page no.5, paragraph

Art Unit: 2645

0099). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chong in view of Denman to allow state table as taught by Haruta. The motivation for the modification is to have the state table in order to store an operation state of the call.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alperovich et al. (U.S. Patent 6,600,738) teach routing in an IP network based on codec availability and subscriber preference.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

Art Unit: 2645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [shafiulalam.elahie@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

**Any response to this action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

(703) 308-5397 (for formal communications intended for entry; please mark "EXPEDITED  
PROCEDURE")

(703) **306-5406** (for informal or draft communications, such as proposed amendments to be

Application/Control Number: 09/658,522

Art Unit: 2645

discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

M. E.

MD SHAFIUL ALAM ELAHEE

February 20, 2004

FAN TSANG  
SUPERVISOR PATENT EXAMINER  
TECHNOLOGY CENTER 2600

